

comprising reacting a d^0 Group IV-B transition metal halide with a salt containing an anion of the formula $[(C_5H_{4-x}R_x)-T-(JR'_z)_2]^{2-}$ and either two cations from the Group I-A of the Periodic Table of Elements or one cation from the Group II-A of the Periodic Table of Elements. --

REMARKS

This application is currently involved in Interference No. 102,953, declared July 20, 1992.

Claims 2, 4-6 and 25-26 were pending. Applicant has amended the specification and Claims 6 and 25, and added Claims 27-29. Therefore, the proposed pending claims are 2, 4-6 and 25-29.

On January 17, 1992 a Notice of Allowance and Issue Fee Due was mailed for the issuance of Claims 2, 4-6 and 25-26. On April 20, 1992, the application was withdrawn from issue for the purposes of interference. On April 28, 1992, the Examiner issued an Examiner's Action indicating that Claims 2, 4-6 and 25-26 were still allowed, but that the application was being forwarded to the interference branch. Interference No. 102,953 was declared on July 20, 1992.

Of the claims allowed by the Primary Examiner, Claim 25, the only independent claim, is directed toward a compound useful as a polymerization catalyst when activated. Claim 25 is directed toward a genus of compounds, which is comprised of two distinct species -- bridged and unbridged compounds. Added Claim 27 is an independent claim directed toward the unbridged species of the compound. Added Claim 28 is an independent claim directed toward the bridged species of the compound. Since these two species of the compound are separate patentable inventions, within the meaning of 37 C.F.R.

§ 1.601(n), these claims belong in this application to accomplish a goal of the interference rules of deciding priority to all claimed common interfering subject matter in one interference. Also, Claims 27 and 28 are allowable because they are within the genus Claim 25, which has been allowed by the Primary Examiner (see Paper Nos. 6 and 9). Note that Claim 27 is identical to proposed Count 3, and Claim 28 is identical to proposed Count 2.

Claim 29 is patentable to Canich because it relates to the process to make the compounds that have already been found allowable by the Primary Examiner. And Claim 29 is identical to proposed Count 4. In order to present the interfering subject matter of these claims in one interference, Claim 29 should be in this application.

Regarding the other amendments, the specification and Claim 25 have been amended to correct a clerical error (changing the letter B to the letter T). Finally, Claims 6 and 25 have been amended to correct an unintended error in drafting. Specifically, the phrase "provided that any Q is different from ($C_5H_{5-y-x}R_x$)" was moved to independent Claim 25 from dependent Claim 6 to limit the claimed compounds to mono-cyclopentadienyl compounds.* This phrase (with a typographical error) was included in dependent Claim 6 -- and should have been, but was not, included in independent Claim 25. As drafted, and repeated in Count 1, bis-cyclopentadienyl compounds are literally within the claimed invention. Only mono-cyclopentadienyl compounds were intended to be claimed.

Claim 6, as amended, is supported by the specification at page 5, lines 10-16 where the identical language of the claim

* This phrase also appears in claims 27-29.

appears. Similarly on page 8, lines 7-13 the identical language appears. On page 8, line 23 to page 9, line 2 and on page 11, Table 1, column "Q", examples of the ligand "Q" are detailed. Claim 25, as amended, adds a phrase removed from Claim 6, and is supported by the specification at the same locations identified above. (Burkhardt ¶ 40).

Claim 27 is directed to the unbridged species and is supported by the specification at page 4, line 8 to page 6, the formula at the top of the page (similarly page 7, line 5 to page 9, line 31), where the claim is disclosed when "y" = 0. Support for "y" = 0 is at page 8, line 14 and page 13, line 5. Specific species are at page 13, lines 4-9 and page 13, lines 14-15. Also, page 11, Table 1, the middle column (labeled "(JR'_{z-1-y})") has four unbridged compound examples, where y must equal zero at the bottom of the column. The other examples in Table 1 where y is not specified, include unbridged species.* Page 12, lines 24-27 discloses a process for one of skill in the art to make the unbridged species. (Burkhardt ¶ 26).

Claim 28 is directed to the bridged species, and is supported by the specification at page 4, line 8 to page 6, the formula at the top of the page (similarly at page 7, line 5 to page 9, line 31), where the claim is disclosed when "y" = 1. Support for "y" = 1 is at page 5, lines 17-18; page 8, lines 14-15; and page 12, lines 2 and 30. Specific species are disclosed at page 10, lines 3-18, 23-25 and 29-31; page 13, lines 12-13; and page 11, Table 1, the left and center columns (when "y" = 1). Page 12, lines 1-23 disclose a process for one of skill in the art to make the bridged species. Specific examples of compounds prepared are disclosed in Examples A-L on pages 18-

* Note that L is not detailed in Table 1 (see page 10, lines 18-20).

26. Note also page 18, lines 4-17 that disclose general information relating to Examples A-L. (Burkhardt ¶ 30).

Claim 29 is directed to the process of preparing a bridged compound, and this is disclosed by originally filed claim 14, as well as page 12, lines 1-23 and Examples A-L on pages 18-26. For example, claim 29 required "reacting a d^0 Group IV-B transition metal halide with a salt containing an anion of the formula $[(C_5H_{4-x}R_x)-T-(JR'_{z-2})]^{2-}$ and ... two cations from the Group I-A of the Periodic Table of Elements ..." In Example A, page 19, lines 12-23 $[Me_2Si(Me_4C_5)(N-t-Bu)]Li_2$ is reacted with $ZrCl_4$, which discloses a species within the claim. This reaction produces $Me_2Si(Me_4C_5)(N-t-Bu)ZrCl_2$, which is a species of the bridged compound. (Burkhardt ¶ 35).

Therefore, these amendments should be entered.

Respectfully submitted,



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